IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1697 OF 2007
IN
SUIT NO.2936 OF 1995

Dr.B.V.Manek ...Plaintiff

Versus

MTNL ...Defendants

Shri Arvind Rathod for the Plaintiff.
Ms S.I.Shah for the Defendants.

CORAM : ABHAY S.OKA, J.
DATED : OCTOBER 25th, 2007.

P.C.:

. Not on board. Taken on board.

1. Heard the learned counsel appearing for the parties. The prayer in the Chamber Summons taken out by the Defendants is for amendment of written statement. By amending the written statement, the Defendants want to raise a legal contention regarding non-maintainibility of the suit in view of availability of remedy provided under section 7B of the Indian Telegraph Act, 1885.

2. The Chamber Summons is opposed by the learned counsel for the Plaintiff by contending that it is taken out belatedly after the suit was ready for recording of evidence.

3. The Defendants want to raise a legal contention by amending the written statement. The proposed amendment, therefore, will have to be allowed. Accordingly, Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out within two weeks. The suit shall be placed on board on 21st November, 2007 for "directions".

JUDGE